

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Genwal Resources, Inc/Crandall Canyon Mine
Permit #: C/015/032

NOV # 10044
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The operator did a macroinvertebrate study in 1994 establishing a baseline. The operator committed in the MRP to future samplings but never conducted them. NOV 10043 was issued to Genwal resources, Inc. Because the gravity flow from the north portals was staining the receiving stream orange. A result of high iron content in the discharge water. No current macroinvertebrate information was available to determine how much of an impact from the discharge had occurred. NOV 10044 required that a study be done in the fall of 2009 and a commitment to conduct a sampling in the spring of 2010. The commitment is to extend to a spring and fall sampling every spring and fall there after until permission is received to discontinue the sampling process.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☒ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☐ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: _____

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☒ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: Failed to conduct macroinvertebrate sampling as committed to in the approved mining and reclamation plan (MRP).

- ☐ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: _____

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The violation has been terminated. The operator conducted the macroinvertebrate study in the fall of 2009 and has committed to a study in the spring of 2010. In addition the operator has committed to sampling in the spring and fall of every successive year until permission is received to stop sampling.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: _____

3. Was the submission of plans prior to physical activity required by this NOV / CO? Yes If yes, explain.

Explanation: _____

Karl Houskeeper
Authorized Representative

Karl R. Houskeeper
Signature

October 27, 2009
Date